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| 09/607,678 | 06/30/2000 | Curtis A. Vock | 388051 | 1240 |

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08/14/2002

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EXAMINER

MOHAMED, CHARIOUI

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,678

Applicant(s)

CURTIS A. VOCK ET AL.

Examiner

Mohamed Charioui

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

EXAMINER'S AMENDMENT

Election/Restrictions

1.1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to camera/network storage, classified in class 702, subclass 182.
- II. Claims 9-17, drawn to performance/picture, classified in class 702, subclass 183.
- III. Claims 18-20, drawn to airtime, classified in class 702, subclass 178.
- IV. Claims 21-34, drawn to base-station / relay unit, classified in class 702, subclass 62.

1.2. **Claim 28** links groups III and IV The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim, claim 28. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim depending from or otherwise including all the limitations of the allowable linking claim will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim depending from or including all the limitations of the allowable linking claim is presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35

U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

- 1.3. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used by a materially different process specifically one that requires storage.

Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used by a materially different process specifically one that requires a communication system.

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as use with stand-alone camera with storage. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each

other if they are shown to be separately usable. In the instant case, invention II has separate utility such as use with stand-alone metric performance acquisition of a participant. See MPEP § 806.05(d).

Inventions II and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used by a materially different process specifically one that requires communications relay.

Inventions III and IV are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus can be used by a materially different process specifically one that requires communication relay.

- 1.4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 1.5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b)

if one or more of the currently named inventor is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

DETAILED ACTION

2. During a telephone conversation with Mr. Curtis A. Vock on 8/29/02 a provisional election was made without traverse to prosecute the invention of group IV, claims 21-34. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

3. **Claims 22, 23 and 26** are objected to because of the following informalities:

On page 21, line 15, change "20" to -21--.

On page 21, line 18, change "20" to -21--.

On page 22, line 1, change "20" to -21--.

Appropriate correction is required.

4. Examiner considers these claims to be dependent of claim 21 for examination.

Claim Rejections - 35 USC § 103

Art Unit: 2857

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kupersmit in view of Hanchett.

As per claims 21, 22, and 26-28, Kupersmit teaches a base station for displaying at least one performance metric (i.e. speed) (see col. 4, lines 41-55 and col. 2, lines 30-37). Kupersmit fails to teach a relay unit for receiving data representing the at least one performance metric from a sensing unit and for transmitting the received data to the base station. Hanchett teaches this feature (see col. 2, lines 3-14; col. 5, lines 25-36; and col. 8, lines 1-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Hanchett's teaching into Kupersmit's invention because it would transmit the vehicle images and speed performance to the remote location (i.e. base station) and therefore viewers would be able to watch via display screens or televisions vehicle performance.

As per claims 23 and 24, Kupersmit as modified above teaches a relay unit for receiving representing the at least one performance metric from a sensing unit and for transmitting the received data to the base station. Kupersmit shows that Kupersmit as modified above fails to teach that one relay unit

includes at least two relay units. Hanchett teaches this feature (see col. 8, lines 1-33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Hanchett's teaching into Kupersmit's invention because each relay unit has a different transmission frequency that would receive performance data and images from a specific vehicle and transmit these performance data and images to a specific destination for viewing and analysis. Kupersmit as modified above teaches electrically activated switches to connect the circuits when information data needs to be transmitted to a particular destination (see Hanchett col. 8, lines 12-33). It is therefore inherent that these circuits (i.e. the sensor circuit and the display circuit) before they are connected, by the switch, are considered as half pipes of the pipe driver.

6. **Claims 29-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kupersmit in view of Hanchett and Mickelson.

As per claims 29 and 30, Kupersmit in view of Hanchett teaches the system as stated above except for the performance metric includes a rotation rate or total rotation. Mickelson teaches this feature (see col. 2, lines 35-50; col. 3, lines 35-45; and col. 3, line 58, to col. 4, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Mickelson's teaching into Kupersmit's as modified above, because it would provide a determination of the rotation rate by the angular sensor which would transmit it to the antenna relay and therefore from the antenna relay it

would be transmitted to the remote location for viewing and analysis; therefore, viewers would determine how vehicles are performing.

As per claims 31-34, Kupersmit in view of Hanchett teaches the system as stated above except that the sensing unit includes at least one magnetic field sensing device. Mickelson teaches a magnetic field sensing device (see col. 2, lines 36-50 and col. 3, line 58, to, col. 4, line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Mickelson's teaching into Kupersmit's as modified above, because the magnetic field sensor would provide an electrical signal that represents the angular orientation of the vehicle relative to the reference axis, therefore the pitch and the roll angles would be determined in addition to the performance metric parameters of interest to better analyze the vehicle performance.

7. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kupersmit in view of Hanchett and Eden et al.

Kupersmit in view of Hanchett teaches the system as stated above except that the even area is a half pipe event area. Eden et al. teach a half pie event area (see col. 2, lines 23-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Mickelson's teaching into Kupersmit's as modified above, because it would allow the camera to capture pictures of the entire are; therefore, viewers would be able to see the entire action and the performance of the vehicle.

Prior art

8. The prior art made record and not relied upon is considered pertinent to applicant's disclosure:

Riggins [PCT/US99/03817] discloses an interactive sporting-event monitoring system.

Toyama et al. ['082] disclose a vehicle movement measuring apparatus.

Echigo et al. ['485] disclose an apparatus and method for detecting a velocity of a moving object.

Derrah ['271] disclose a radio controlled skateboard with robot.

Contact information

9. Any inquiry concerning this communication from examiner should be directed to Mohamed Charioui whose telephone number is 703 605-4362. The examiner can normally be reached Monday to Friday 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached at 703 308-1677. The fax phone number for the organization where this application is assigned is 703 305-3431.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose number is 703 308-0956.

Mohamed Charioui

July 31st, 2002


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
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